

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

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|---|---|-------------------------------------|
| NOORALI "SAM" SAVANI, individually |) | |
| and on behalf of others similarly situated, |) | |
| |) | Civil Action No.: 1:06-cv-02805-JMC |
| Plaintiff, |) | |
| v. |) | |
| |) | |
| URS PROFESSIONAL SOLUTIONS, |) | |
| LLC, <i>et al.</i> , |) | |
| |) | |
| Defendants, |) | |
| _____ |) | |

**ORDER ON DEFENDANTS' CROSS-MOTION FOR JUDGMENT
REGARDING PRIMARY CLASS MEMBERS NOT CURRENTLY OWED BENEFITS**

UPON CONSIDERATION OF the Defendants' Cross-Motion for Partial Final Judgment (Doc. No. 273) and the entire record in this case, it is this 19th day of November, 2013 ordered, and the Court finds that judgment should be entered in favor of Defendants on the merits of Plaintiffs' claim for benefits only under ERISA § 502(a)(1)(B) for those members of the Primary Class who are not currently owed any supplemental benefits and without prejudice to other potential claims by such individuals who have not elected or did not elect early retirement. The Court finds, consistent with the previous orders and findings of this court, that members of the Primary Class who are not currently owed any supplemental benefits shall be entitled to such benefits if and when they meet the requirements of Section 4.12 (a) of the Plan in the future. For purposes of this Order, the term "Primary Class" shall include members of the "Class" but not in the "Subclass" as those terms are defined by this Court's order dated August 28, 2012 (Doc. No. 204). As such, the Court hereby enters partial judgment on the claims asserted in this matter on behalf of the Primary Class as follows:

1. There are currently no supplemental benefits owed to the members of the Primary Class identified in the Exhibit attached to this Order (Exhibit 2) under the terms of Section 4.12(a) of the Plan. Therefore, the Defendants are awarded judgment in their favor with regard to such Primary Class members on the merits of those Plaintiffs' claim for benefits only under ERISA § 502(a)(1)(B), without prejudice to other potential claims by such individuals who have not elected or did not elect early retirement. This judgment confirms that Primary Class members are entitled to receive accrued supplemental benefits under Section 4.12 of the Plan if and when such Primary Class members meet the requirements of Section 4.12 of the Plan.
2. Consistent with all prior orders and opinions of the Court, this Court declares that the Primary Class members have a right to the accrued supplemental benefits under Section 4.12 of the Plan. If and when the Primary Class members in Exhibit 2 meet the remaining requirements of Section 4.12 of the Plan, Defendant URS Professional Solutions Plan (the "Plan") shall pay or cause to be paid the supplemental benefits owed to those members of the Primary Class on a monthly basis as such benefits are due in accordance with Section 4.12(a) of the Plan.

The clerk is directed to enter partial judgment consistent with this order pursuant to Fed.

R. Civ. P. 54(b).

IT IS SO ORDERED.



United States District Judge

November 19, 2013
Greenville, South Carolina